## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA )			
Plaintiff,	) 8:05CR417 )		
vs.	) DETENTION ORDER		
KEITH D. BROOKS,			
Defendant.	<b>)</b>		
A. Order For Detention  After the defendant waived a detention hearin  Reform Act on November 22, 2005, the C  detained pursuant to 18 U.S.C. § 3142(e) an	Court orders the above-named defendant		
B. Statement Of Reasons For The Detention The Court orders the defendant's detention by X By a preponderance of the evidence the will reasonably assure the appearance X By clear and convincing evidence that will reasonably assure the safety of an	Decause it finds:  nat no condition or combination of conditions be of the defendant as required. It no condition or combination of conditions		
distribute in excess of 50 violation of 21 U.S.C. § 84 imprisonment and a material possession with intent methamphetamine (Count of the offense is a crime of violation (a) The offense involves a naterial (b) The offense involves a naterial (c) The offense involves a large of the evidence again (a) The weight of the evidence again (a) The defendant appearaffect whether the defendant has not the defendant has not the defendant does the past conduct of the count of the co	Report, and includes the following: offense charged: to distribute and possess with intent to grams of methamphetamine (Count I) in 6 carries a minimum sentence of five years eximum of forty years imprisonment; the to distribute less than 50 grams of till) and the distribution of less than 50 grams ount III) both in violation of 21 U.S.C. § hts carrying a maximum of twenty years violence. recotic drug. ge amount of controlled substances, to wit:  ast the defendant is high. If the defendant including: ars to have a mental condition which may be fendant will appear. To family ties in the area. To steady employment. To substantial financial resources. To a long time resident of the community. The have any significant community ties.		

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		The defendant has a history relating to alcohol abuse.  X The defendant has a significant prior criminal record. X The defendant has a prior record of failure to appear at court proceedings.  (b) At the time of the current arrest, the defendant was on: Probation Parole Release pending trial, sentence, appeal or completion of sentence.  (c) Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
<u>X</u>	(4)	The nature and seriousness of the danger posed by the defendant's release
		are as follows: The defendant falsified his living arrangements to Pretrial Service. The defendant has threatened witnesses and their families if they cooperated with law enforcement in this case. He has been noncompliant with conditions of probation.
<u>X</u>	(5)	
		In determining that the defendant should be detained, the Court also relied on
		the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted:
	<u>X</u>	(a) That no condition or combination of conditions will reasonably assure
		the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
		(1) A crime of violence; or (2) An offense for which the maximum penalty is life
		imprisonment or death; or
		X (3) A controlled substance violation which has a maximum
		penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or
		more prior offenses described in (1) through (3) above, and
		the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five
		years old and which was committed while the defendant was
	X	on pretrial release.  (b) That no condition or combination of conditions will reasonably assure
		the appearance of the defendant as required and the safety of the
		community because the Court finds that there is probable cause to
		believe:  X (1) That the defendant has committed a controlled substance
		violation which has a maximum penalty of 10 years or more.
		(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in
		relation to any crime of violence, including a crime of
		violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or
		device).

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## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: November 28, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge